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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

ROLAND LOEWER,

Case No.:

Plaintiff,

**PETITION FOR REMOVAL**

vs.

**[FEDERAL QUESTION  
JURISDICTION]**

SABLES, LLC a Nevada Limited Liability Company; CARRINGTON MORTGAGE SERVICES, LLC, a Foreign Limited Liability Company; and PARCELNOMICS, LLC a Nevada Limited Liability Company dba INVESTMENT DEALS; and BAC HOME LOANS SERVICING, LP, a Foreign Limited Partnership; and SURILUXSANA MAIDENS; and SECRETARY OF HOUSING AND URBAN DEVELOPMENT; and DIRECTOR OF HOUSING; JOHN DOES I through V inclusive; and ROE CORPORATIONS I through X,

Complaint filed: November 3, 2015

Defendants.

**TO: THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA**

**PLEASE TAKE NOTICE THAT**, pursuant to 28 U.S.C. §1441 *et seq.*, Defendant, Carrington Mortgage Services, LLC (hereinafter, “Carrington”), by and through its attorneys of record, Dana Jonathon Nitz, Esq. and Jessica E. Chong, Esq., of the law firm of Wright, Finlay &

1 Zak, LLP, hereby removes the above-captioned action to this Court. In support of this Petition,  
2 Carrington states as follows:

3       1. The above-entitled action was commenced on or about November 3, 2015, in the  
4 Eighth Judicial District Court for the State of Nevada in and for the County of Clark (“State  
5 Court”) under the designated Case Number A-15-727078-C (the “State Court Action”). Plaintiff  
6 named Carrington as a defendant, among other defendants.

7       2. Plaintiff’s Complaint in the State Court Action asserts a claim for quiet title  
8 against Carrington and other defendants arising from a homeowner’s association foreclosure of a  
9 lien for delinquent assessments encumbering the real property located at 9102 Cedar Door  
10 Avenue, Las Vegas, Nevada 89148, APN 179-17-412-021 (the “Property”).

11       3. This removal is timely. Defendant, Carrington was served on December 21, 2015.  
12 Based on the service date, the deadline to remove is January 20, 2015. Therefore, the Petition for  
13 Removal is timely pursuant to 28 U.S.C. §1446(b).

14       4. Pursuant to 28 U.S.C. §1446(a), attached hereto as **Exhibits A-M** is a true and  
15 correct copy of all substantive records and proceedings from the State Court Action.

16       5. Pursuant to 28 U.S.C. §1446(d), a true copy of the original Petition for Removal  
17 has been filed concurrently with the clerk of the Eighth Judicial District Court, Clark County,  
18 Nevada, and was served upon all parties in this case.

19       6. Pursuant to 28 U.S.C. §1441(a), this court is the proper district court for removal  
20 because the Eighth Judicial District Court of Clark County, Nevada is located within the District  
21 of Nevada.

22       7. Carrington is the holder of a Deed of Trust secured by the Property. Carrington’s  
23 Deed of Trust concerns a loan insured by the Secretary of Housing and Urban Development  
24 (“HUD”). HUD insures mortgages issued by private lenders (commonly known as FHA  
25 insurance) on single family homes pursuant to a congressional mandate to make decent housing  
26 available to all citizens. *See* 12 U.S.C. §1709. The regulations implementing the program are  
27 found in 24 C.F.R. Part 203.

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1       8.     The Ninth Circuit has previously held that federal law rather than state law  
2 applied to cases that involved mortgages insured by the Federal Housing Administration  
3 (“FHA”) “to assure the protection of the federal program against loss, state law to the contrary  
4 notwithstanding.” *United States v. Stadium Apartments, Inc.*, 425 F.2d 358, 362 (9th Cir. 1970)  
5 (using federal law to override a state law right of redemption to insure that the FHA was  
6 reimbursed on its guarantee of a mortgage); *United States v. View Crest Garden Apartments,*  
7 *Inc.*, 268 F.2d 380, 383 (9th Cir. 1959).

8       9.     Therefore, this Court has original subject matter jurisdiction over the above-  
9 captioned action under 28 U.S.C. §1331 because questions of federal law must be addressed in  
10 substantive detail to resolve the issues presented in the Complaint. Pursuant to 28 U.S.C. §1331,  
11 “[t]he district courts shall have original jurisdiction of all civil actions arising under the  
12 Constitution, laws, or treaties of the United States.”

13       10.    Carrington is informed and believes that defendants in the State Court Action  
14 have been served with the Summons and Complaint; however, defendant Bank of America,  
15 N.A., successor by merger to BAC Home Loans Servicing LP, (“BANA”) is the only defendant  
16 to make an appearance in the State Court Action. Thus, Carrington has obtained defendant  
17 BANA’s consent for removal on December 28, 2015.

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1       11. Carrington reserves the right to supplement this Petition for Removal when  
2 additional information becomes available. Carrington further reserves all rights including, but  
3 not limited to, defenses and objections as to venue, personal jurisdiction, and service. The filing  
4 of this Petition for Removal is subject to and without waiver of any such defense or objection.  
5 DATED this 5<sup>th</sup> day of January, 2016.

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## WRIGHT, FINLAY & ZAK, LLP

/s/ Jessica E. Chong

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Jessica E. Chong, Esq.

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*Attorney for Defendant, Carrington Mortgage Services*

## **CERTIFICATE OF SERVICE**

2 I certify that I am an employee of WRIGHT, FINLAY & ZAK, LLP, and that on this 5<sup>th</sup>  
3 day of January, 2016, I electronically filed the foregoing **PETITION FOR REMOVAL** with  
4 the Clerk of the Court for the United States District Court, District of Nevada by using the  
5 Court's CM/ECF system. Participants in the case who are registered CM/ECF users will be  
6 served by the CM/ECF system.

7 I further certify that I have mailed the foregoing document by First-Class Mail, postage  
8 fully prepaid to the following:

10 Benjamin B. Childs, Esq.  
11 318 S. Maryland Parkway #3946  
Las Vegas, Nevada 89101  
*Attorney for Plaintiff*

/s/ Jason Craig  
An Employee of WRIGHT, FINLAY & ZAK, LLP